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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,241	03/16/2001	Naokatsu Ohkawa	FUJA 18.481	8369
26304	7590	03/08/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			LE, HIEU C	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 03/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/810,241

Applicant(s)

OHKAWA ET AL.

Examiner

Hieu c. Le

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Applicant's election without traverse of Group I (claims 1-2,5-8,11-12) in the reply filed on 10/01/04 is acknowledged.
2. Figure 1 and 2 should be designated by a legend such as –Prior Art– because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2,5-8,11-12 are rejected under 35 U.S.C. 102(b) as anticipated by Takatori et al (US Patent 5,550, 805).

As to claim 1, Takatori discloses a method of transferring a message between a plurality of nodes forming a ring (Fig. 1), comprising the steps of:

generating a message containing a value specifying a short path and an identifier identifying a source node of the message when the path for the message is a short path [when node E detects a failure it sends out a message containing M2 along the short

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path (col. 6, lines 20-22). The bits 1-4 of M2 represents the node number which issued the message (identifier identifying a source node); the bits of M2 indicates whether the message is output to a short part or a long path, M2 is 0 indicates the message has been output to a short path (col. 5, lines 27-38 & col. 6, line));

generating a message containing a value specifying a long path and an identifier identifying a destination node of the message when the path for the message is a long path [ the E node sends out a message which contains M1 &M2 along the long path (col. 6, lines 22-23); the bits of M2 indicates whether the message is output to a short path or long path, M2 is 1 indicates the message has been output to a long path. The bits 5-8 of M1 represents the destination node number (identifier identifying a destination node) (col. 5, lines 26-38) & col. 6, line 18)]; and

transmitting said generated message [ the node send the message (col. 6, lines 30-31).i.e, the message is transmitted].

As to claim 2, Takatori further discloses wherein the message consists of K1/K2 bytes [message is M1/M2 binary number bit (K1/K2 bytes) (col. 6, lines 14-17)], and said source node identifier and said destination node identifier are both 8 bits long [bits 5-8 of M1 represents destination (4 bits), bits 1-4 of M2 represent the node number which issued the message (4bits) i.e. both 8 bits].

As to claim 5, refer to claim 1 rejection. Takatori further discloses wherein a first node identifier and a second node identifier are assigned to each node, and each node is uniquely identified by a combination of the first node identifier assigned to the

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node and two second node identifiers respectively assigned to two nodes adjacent on both sides thereof [ As show in fig.1, the nodes are arranged in order A,B,C,D as shown in Table 1, the M1 destination number is a four bit number starts from 0000 (node #0) to 1111 node # 15 each node has two adjacent nodes, each of the adjacent nodes has destination number one before its number and another after its number, for example node # 13 has a destination number 13 and the adjacent nodes to it has the destination number 12 and 14 (two second node identifier respectively). Each node has one source node, (first node identifier) donated by bits 1-4 of M2].

As to claim 6, refer to claim 2 rejection.

Claim 7 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 7.

As to claim 8, refer to claim 2 rejection.

Claim 11 is a system analogous to the method of claim 5, arguments analogous to those applied to claim 5 are applied to claim 11.

As to claim 12, refer to claim 2 rejection.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897.

The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le



JACK HARVEY  
SUPERVISOR, ART EXAMINER